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6 UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES OF AMERICA, et al.,

Case No. C70-9213RSM

9  
10 Plaintiffs,

Subproceeding No. 91-1

11 v.

ORDER REGARDING 2017 OPENING  
HALIBUT SUB-FISHERY

12 STATE OF WASHINGTON, et al.,

13 Defendants.  
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15 THIS MATTER comes before the Court on the Quileute Indian Tribe's Notice of In-  
16 Season Dispute pertaining to the 2017 opening sub-fishery in the tribal halibut fishery,  
17 scheduled for March 11, 2017. Subproceeding 91-1, Dkt. #457.<sup>1</sup> Prior to seeking a Court  
18 Order, the Tribes engaged in a technical review process by the Fisheries Advisory Board  
19 ("FAB") pursuant to Section 6(n) of the management measures. *See* Subproceeding 91-1, Dkts.  
20 #292, Ex. B, #439, #440, and #442.<sup>2</sup> The participating Tribes included: Quileute, Quinault,  
21 Makah, Lower Elwha S'Klallam, Jamestown S'Klallam, Port Gamble S'Klallam, Suquamish,  
22 Swinomish, Tulalip, Lummi, Nooksack, Skokomish, and the Hoh Tribe. Representatives from  
23 the Point No Point Treaty Council ("PNPTC") also participated.  
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28 <sup>1</sup> C70-9213RSM, Dkt. #21407.

<sup>2</sup> All remaining citations refer to those documents filed in Subproceeding 91-1.

1 According to the report of FAB Chairman Dr. Howard F. Horton, prior to the FAB, the  
2 Tribes' positions with respect to the length of the fishery were as follows:

3 36-37 hours: Lower Elwha Klallam

4 37 hours: Swinomish, Jamestown S'Klallam, Port Gamble S'Klallam, Quileute,  
5 Nooksack, Skokomish and Hoh  
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7 40 hours: Quinault

8 48 hours: Makah and Lummi

9 Dr. Horton did not report any specific preference by the Tulalip Tribe. However, after  
10 convening the FAB, the Tribes were able to come to an agreed range of 37 to 40 hours. Dr.  
11 Horton reports that most Tribes favor the 37-hour option because it has been predicted by the  
12 PNPTC model to be the most likely to achieve the 46.5% harvest of the Total Allowable Catch  
13 permitted by the International Pacific Halibut Commission without causing over-harvest of  
14 halibut. Dr. Horton further reports that there is a concern by the Tribes about a predicted high  
15 tide series on March 11, 2017, which is reportedly higher than normal, and has not been  
16 accounted for in the PNPTC model.  
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19 Having reviewed the Report and Recommendation submitted in writing to the Court by  
20 Dr. Horton, the Court now hereby finds and ORDERS that the opening sub-fishery shall last for  
21 **39 hours**, starting on Saturday, March 11, 2017. The Court finds that this amount of time  
22 fairly balances the weather and tidal concerns of the various Tribes.  
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24 DATED this 2<sup>nd</sup> day of March 2017.

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27 RICARDO S. MARTINEZ  
28 CHIEF UNITED STATES DISTRICT JUDGE